

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:23-CV-00129-MR**

ACCORDIUS HEALTH AT)
ASHEVILLE, LLC,)
)
Plaintiff,)
)
v.)
)
UNITED STATES SMALL)
BUSINESS ADMINISTRATION,)
<i>et al.</i> ,)
)
Defendants.)

**DEFENDANTS’ CONSENTED-TO MOTION FOR LEAVE TO FILE A
RESPONSE TO BRIEF OF THE AMERICAN HOTEL & LODGING
ASSOCIATION AS AMICUS CURIAE**

NOW COME Defendants, by and through the undersigned, and hereby move the Court for leave to file a proposed response to the proposed amicus brief lodged by the American Hotel & Lodging Association (“AHLA”) supporting Plaintiffs in this action under the Administrative Procedure Act concerning application of the Corporate Group Rule. Doc. 37-1. When Defendants consented to AHLA’s motion for leave as to the amicus brief, AHLA and Plaintiffs consented to Defendants filing, on or before April 26, 2024, the instant motion for leave to file a response to AHLA’s brief. Defendants lodge their proposed response to AHLA’s 21-page brief as an exhibit attached to the instant memorandum in support of this motion.

First, the proposed response explains that the chief contentions in AHLA's brief, which are not raised by Plaintiffs, should not be considered, consistent with Fourth Circuit precedent against arguments raised only by an amicus. *Second*, the proposed response explains that, alternatively, AHLA's arguments lack merit.

The undersigned have conferred with counsel for Plaintiff and Amicus who have consented to Defendants filing a response to AHLA's brief.

Accordingly, Defendants request that the Court grant the instant motion, allow the filing of Defendants' proposed response, and consider that response insofar as the Court considers AHLA's brief.

Respectfully submitted, this the 26th day of April, 2024.

DENA J. KING
UNITED STATES ATTORNEY

BRIAN M. BOYNTON
Principal Deputy Ass't Attorney General

BRIAN D. NETTER
Deputy Assistant Attorney General

s/Gill P. Beck
GILL P. BECK
Assistant United States Attorney
Chief, Civil Division
N.C. Bar No. 13175
Room 233, US Courthouse
100 Otis Street
Asheville, NC 28801
Phone: 828-271-4661
Fax: 828-271-4327
E-Mail: gill.beck@usdoj.gov

s/James J. Gilligan
JAMES J. GILLIGAN, T.A. (DC
#422152)
INDRANEEL SUR (DC #978017)
Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station
Washington, D.C. 20044
E-mail: james.gilligan@usdoj.gov
Telephone: (202) 514-3358
Fax: (202) 616-8470
Counsel for Defendants